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Exhibit 3

{In Archive} RE: Rogers v. HHS (DSC)

Peter Barbur to: Miles Coleman

07/16/2020 12:23 PM

"Currey Cook", "Newman, Christie (USASC)", "Cristopher Ray", "Daniel Mach", "Powers, James R. (CIV)", "Karen Loewy", "Kenneth P. Woodington", "Leslie Cooper", "mburnette@burnetteshutt.law", "Miranda J. Li",

"nshutt@burnetteshutt.law", "Rebecca Schindel", "Susan Dunn"

This message is being viewed in an archive.

Miles.

I take it from your email that the state defendants and their counsel have been collecting and reviewing documents and thus will able to begin producing those documents on August 4. With that understanding, we consent to the requested extension.

Peter

"Miles Coleman" Peter, Notwithstanding the diligent efforts by Go... 07/15/2020 04:51:24 PM

From: "Miles Coleman" < Miles. Coleman@nelsonmullins.com>

"Peter Barbur" < PBarbur@cravath.com> To:

Cc: "Newman, Christie (USASC)" < Christie.Newman@usdoj.gov>, "Susan Dunn"

<sdunn@aclusc.org>, "Rebecca Schindel" <rschindel@cravath.com>, "Kenneth P. Woodington" <kwoodington@dml-law.com>, "Powers, James R. (CIV)" <James.R.Powers@usdoj.gov>, "Cristopher Ray" <cray@cravath.com>, "Currey Cook" <ccook@lambdalegal.org>, "Daniel Mach"

<dmach@aclu.org>, "Karen Loewy" <kloewy@lambdalegal.org>, "Leslie Cooper"

<LCOOPER@aclu.org>, "Miranda J. Li" <mjli@cravath.com>, "mburnette@burnetteshutt.law" <mburnette@burnetteshutt.law>, "nshutt@burnetteshutt.law" <nshutt@burnetteshutt.law>

Date: 07/15/2020 04:51 PM Subject: RE: Rogers v. HHS (DSC)

External (miles.coleman@nelsonmullins.com)

Report This Email FAQ

Peter,

Notwithstanding the diligent efforts by Governor McMaster and Director Leach, their staffs, and counsel, we will not be able to respond to Plaintiffs' First Set of RFPs on or before July 21. As noted previously, the combination of remote work arrangements, exigent circumstances related to the pandemic, and the press of other filing deadlines and arguments have slowed governor McMaster's and Mr. Leach's collection of documents and counsel's review of same. Will Plaintiffs consent to an additional two-week extension? If so, by my calculation, the new deadline would be August 4, 2020.

Thank you for your consideration. If we have not received a response by Friday morning, we'll consider that a tacit refusal of the request and will move for an extension of time.

Miles

From: Miles Coleman

Sent: Thursday, July 2, 2020 10:07 PM To: Peter Barbur <PBarbur@cravath.com> **Cc:** Newman, Christie (USASC) < Christie.Newman@usdoj.gov>; Susan Dunn < sdunn@aclusc.org>; Rebecca Schindel < rschindel@cravath.com>; Kenneth P. Woodington < kwoodington@dml-law.com>; Powers, James R. (CIV) < James.R.Powers@usdoj.gov>; Cristopher Ray < cray@cravath.com>; Currey Cook < ccook@lambdalegal.org>; Daniel Mach < dmach@aclu.org>; Karen Loewy < kloewy@lambdalegal.org>; Leslie Cooper < LCOOPER@aclu.org>; Miranda J. Li < mjli@cravath.com>; mburnette@burnetteshutt.law; nshutt@burnetteshutt.law

Subject: RE: Rogers v. HHS (DSC)

Thank you for your response, Peter. Unless I'm mistaken, Miracle Hill requested and received an extension of a bit over four weeks. But if you are not inclined to extend a similar extension to the Governor and Mr. Leach, we'll endeavor to meet the deadline of July 21, and will revisit the topic if and when necessary.

I hope you have a good weekend.

Miles

From: Peter Barbur < PBarbur@cravath.com>

Sent: Thursday, July 2, 2020 4:58 PM

To: Miles Coleman < Miles. Coleman@nelsonmullins.com >

Cc: Newman, Christie (USASC) < Christie.Newman@usdoj.gov >; Susan Dunn < sdunn@aclusc.org >; Rebecca Schindel < rschindel@cravath.com >; Kenneth P. Woodington < kwoodington@dml-law.com >; Powers, James R. (CIV) < James.R.Powers@usdoj.gov >; Cristopher Ray < cray@cravath.com >; Currey Cook < ccook@lambdalegal.org >; Daniel Mach < dmach@aclu.org >; Karen Loewy < kloewy@lambdalegal.org >; Leslie Cooper < LCOOPER@aclu.org >; Miranda J. Li < mjli@cravath.com >; mburnette@burnetteshutt.law; nshutt@burnetteshutt.law

Subject: Re: Rogers v. HHS (DSC)

Miles,

Plaintiffs will agree to a two-week extension, as they did for the Federal Defendants and as Miracle Hill now has as well (we had intended to agree to that extension but replying to Miracle Hill inadvertently fell through the cracks).

That should be sufficient for the state defendants as well.

Regards,

Peter

On Jul 2, 2020, at 4:38 PM, Miles Coleman Miles.Coleman@nelsonmullins.com wrote:

Peter — apologies for the follow up email, but I wanted to see if you'd had a chance to consider the request below before I file a motion seeking an extension.

Thanks for considering, and please let me know if Plaintiffs will consent to the requested extension.

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Miles

From: Miles Coleman

Sent: Wednesday, July 1, 2020 9:17 PM

To: Kenneth P. Woodington kwoodington@DML-LAW.com; Powers, James R. (CIV) <
James.R.Powers@usdoj.gov; Cristopher Ray cray@cravath.com; Currey Cook <
ccook@lambdalegal.org; Daniel Mach dmach@aclu.org; Karen Loewy kloewy@lambdalegal.org; Leslie Cooper LCOOPER@aclu.org; Miranda J. Li mjli@cravath.com; mburnette@burnetteshutt.law; nshutt@burnetteshutt.law; Peter Barbur PBarbur@cravath.com; Susan Dunn sdunn@aclusc.org; Rebecca Schindel rschindel@cravath.com

Cc: Newman, Christie (USASC) < Christie.Newman@usdoj.gov

Subject: RE: Rogers v. HHS (DSC)

As Ken anticipated in his email, I'm writing to request a 30-day extension of the deadline for the Governor (and, per Ken's email, Mr. Leach) to respond to Plaintiff's First Set of RFPs. The Governor's staff and I are actively engaged preparing our responses and production, but between remote work arrangements, the exigencies of pandemic-related matters, and the press of other filings and hearings, we would appreciate the additional time. I believe our current deadline is July 7 and, with the extension, the new deadline would be August 6.

Thank you for considering.

Miles

From: Kenneth P. Woodington < kwoodington@DML-LAW.com>

Sent: Wednesday, July 1, 2020 2:30 PM

To: Powers, James R. (CIV) < <u>James.R.Powers@usdoj.gov</u>>; Cristopher Ray < <u>cray@cravath.com</u>>; Currey

Cook < ccook@lambdalegal.org>; Daniel Mach < dmach@aclu.org>; Karen Loewy <

kloewy@lambdalegal.org>; Leslie Cooper <LCOOPER@aclu.org>; Miranda J. Li <mjli@cravath.com>;

mburnette@burnetteshutt.law; nshutt@burnetteshutt.law; Peter Barbur <PBarbur@cravath.com>;

Susan Dunn <<u>sdunn@aclusc.org</u>>; Rebecca Schindel <<u>rschindel@cravath.com</u>>

Cc: Newman, Christie (USASC) < Christie.Newman@usdoj.gov >; Miles Coleman <

Miles.Coleman@nelsonmullins.com>

Subject: Re: Rogers v. HHS (DSC)

▼External Email - From: kwoodington@DML-LAW.com

I believe Miles is also going to request an extension, and I would request whatever Miles requests. The DSS legal staff is working remotely, which adds to the difficulty.

Ken

----- Original message----From: Powers, James R. (CIV)
Date: Wed, Jul 1, 2020 1:42 PM

To: Cristopher Ray; Currey Cook; Daniel Mach; Karen Loewy; Leslie Cooper; Miranda J.

Li;mburnette@burnetteshutt.law;nshutt@burnetteshutt.law;Peter Barbur;Susan Dunn;Rebecca Schindel;

Cc: Newman, Christie (USASC);Miles Coleman;Kenneth P. Woodington; **Subject**:Rogers v. HHS (DSC)

Counsel -

In light of the upcoming holiday weekend and the press of business in some other matters I am handling, would plaintiffs consent to a 2 week extension of our deadline to serve responses and objections to the first RFPs? I believe that would put our deadline at July 21.

Thanks, Jim

James R. Powers

Trial Attorney
Federal Programs Branch
U.S. Department of Justice, Civil Division

(202) 353-0543 (direct) | james.r.powers@usdoj.gov

Nelson Mullins is continuing to monitor developments related to COVID-19, including guidance from the Centers for Disease Control and various health officials; and federal, state, and local government authorities. The firm has implemented precautionary measures and plans to ensure the continuation of all firm services to clients from both in office and remote work arrangements across our 25 geographically dispersed offices. Click here to visit the Nelson Mullins Coronavirus Resources page. Information described therein is subject to change.

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